

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

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#19
2/19/02

In re the application of: Duff et al.

Serial No.: 09/037,472

Filed: March 10, 1998

For: *Detecting Genetic Predisposition to Sight-Threatening Diabetic Retinopathy*

Examiner: Myers, C.

Group Art Unit: 1655

Attorney Docket No.: MSA-008.01

Box After Final
Assistant Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box After Final, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

January 28, 2002
Date of Signature and of Mail Deposit

By: Kristen Wallett

**NOTICE OF APPEAL TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Appeals and Interferences from the decision dated July 27, 2001 finally rejecting Claims 1 - 12.

The item(s) checked below are appropriate:

1. [XX] A check for \$160.00 to cover the Appeal fee [X] is enclosed or [] is to be charged to Deposit Account No. 06-1448.
2. [XX] A Petition for Three-Month Extension of Time to further extend the period for response is enclosed.
3. [XX] A check for \$460.00 to cover the extension fee is enclosed.


02/13/2002 JADD01 00000037 09037472

02 FC:219

160.00 DP

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-1448.

Respectfully submitted,

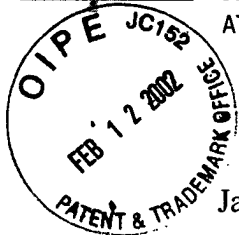
By: 
James T. Olesen, Ph.D.
Reg. No. 46,967
Agent for Applicants

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Dated: January 28, 2002



**FOLEY
HOAG**
ATTORNEYS AT LAW



January 28, 2002

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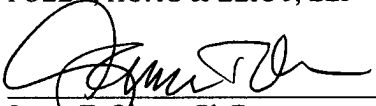
Re: U.S. Patent Application Serial No. 09/037,472
Entitled: *Detecting Genetic Predisposition to Sight Threatening Diabetic Retinopathy*
Filed: March 10, 1998; By: Duff et al.
Group Art Unit: 1655; Examiner: Myers, C.
Atty Ref No: MSA-008.01

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:

1. Notice of Appeal to the Board of Patent Appeals and Interferences under 37 C.F.R. § 1.116;
2. Check in the amount \$160.00 for Notice of Appeal;
3. Petition for Three-Month Extension of Time;
4. Check in the amount of \$460.00 for Extension of Time; and
5. Return Receipt Postcard.

The Commissioner is authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.

Certificate of First Class Mailing	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box After Final, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below:	Respectfully submitted, FOLEY, HOAG & ELIOT, LLP
<u>January 28, 2002</u> Date	 James T. Olesen, Ph.D. Reg. No. 46,967 Agent for Applicants Customer ID No. 25181

20/489541.1